THE NECESSITY OF PARLIAMENTS:

WITH

Seasonable Directions

For the more Regular

ELECTION OF

Parliament-Men.

To which is added

The BILL for Regulating ELECTIONS of MEMBERS to serve in PARLIAMENT.

As it was Read and Committed by the HOUSE of COMMONS, in the Year 1679.

Recommended to all Thinking, and Wise Men.

By a True Protestant, and *English* Man.

LONDON, Printed, and sold by *Rich. Janeway*. 1689.

Harvard College Library
Coolidge Fund
December 2, 1937

THE NECESSITY OF PARLIAMENTS, &c.

THat our approaching Parliament may be more ſucceſsful for our Relief, before it be too late, by being permitted to ſit to redreſs our Grievances, and to perfect thoſe good Deſigns, now in view, on the Coming in of the Illuſtrious Prince of *Orange*, to ſettle, and ſave us, theſe following Common-Law-Maxims, reſpecting King and Parliament, and the Common and Statute-Laws themſelves (to prevent unnatural Diſappointments, and Miſchiefs) providing for the Sitting of Parliaments, till Grievances be redreſs'd, and publick Safety ſecured and provided for, are tender'd to Conſideration.

Some known Maxims, taken out of the Law-Books.

1. Reſpecting the King.

That the Kings of England *can do nothing, as Kings, but what of Right they ought to do.*

That the King can do no *Wrong*, nor can he die.

That the King's Prerogative, and the Subjects Liberty are determined by Law.

That the King hath no Power, but what the Law gives him.

That the King is ſo called, from ruling well; Rex à bene regendo, [viz. *according to Law*;] *Becauſe he is a King whilſt he rules well, but a Tyrant when he oppreſſeth.*

That Kings of England *never appear more in their Glory, Splendour, and Majeſtick Sovereignty, than in Parliaments.*

That the Prerogative of the King cannot do Wrong, nor be a Warrant to do Wrong to any. Plowd. Comment. *fol.* 246.

2. Reſpecting the Parliament.

That Parliaments conſtitute, and are laid in the Eſſence of the Govērnment.

That a Parliament is that to the Commonwealth, which the Soul is to the Body; which is only able to apprehend and underſtand the Symptoms of all Diſeaſes which threaten the Body Politick.

That a Parliament is the Bulwark of our Liberty; the Boundary which keeps us from the Inundation of Tyranical Power, Arbitrary, and Unbounded Will-Government.

That Parliaments do make new, and abrogate old Laws, reform Grievances in the Commonwealth, ſettle the Succeſſion, grant Subſidies; and, in ſumm, may be called the great Phyſician of the Kingdom.

From whence it appears, and is ſelf-evident, if Parliaments are ſo abſolutely neceſſary in this our Conſtitution, that they muſt then have their certain ſtationary times of Seſſion and Continuance, for providing Laws eſſentially neceſſary for the Being, as well as the Well-Being of the People; and redreſſing all publick Grievances, either by the want of Laws, or of the undue Execution of them in being, or otherwiſe. And ſuitable hereunto are thoſe Proviſions made by the Wiſdom of our Anceſtors, as recorded by them, both in the Common, and Statute-Law.

Firſt,

First, *What we find hereof in the Common Law.*

The Common Law (ſaith my Lord *Coke*) *is that which is founded in the immutable Law, and Light of Nature, agreeable to the Law of God; requiring Order, Government, Subjection and Protection*, &c. *containing ancient Uſages, warranted by holy Scripture: And becauſe it is generally given to all, it is therefore called* Common. Coke, *lib.* 7 *Rep.* p. 12, 13.

And he further ſaith, *That in the Book called* The Mirror of Juſtice, *appeareth the whole Frame of the ancient Common Laws of this Realm, from the time of King* Arthur, 516. *till near the Conqueſt; which treats alſo of the Officers, as well as the Diverſity and Diſtinction of the Courts of Juſtice* (*which are* Officinæ Legis;) *and particularly, of the High Court of Parliament, by the Name of Council-General, or Parliament; ſo called, from* Parler-la-ment, *ſpeaking judicially his Mind: And, amongſt others, gives us the following Law of King* Alfred, *who reigned about* 880. *Lib.* 9. Preface.

" *Le Roy* Alfred *ordeigna pur Uſage perpetuel que a deux* Mirror of
" *foits per l'An ou plus ſovene pur miſtier in temps de Peace, ſe* Juſtice, *ch.*
" *aſſembler a* Londres, *pur Parliamenter ſurle Guidement del* 1. *Sect.* 3.
" *People de Dieu, coment gents ſoy garderent de Pechers, vi-*
" *verent in quiet, receiverent droit per certain Uſages, &*
" *ſaints Judgments.*

" King *Alfred* ordaineth for an Uſage perpetual, that
" twice a Year, or oftner if need be, in time of Peace, they
" ſhall aſſemble themſelves at *London*, to treat in Parliament,
" of the Government of the People of God, how they
" ſhould keep themſelves from Offences, ſhould live in quiet,
" and ſhould receive Right by certain Laws, and holy Judg-
" ments.

" And thus (ſaith my Lord *Coke*) you have a Statute of Lord
" King *Alfred*, as well concerning the holding of this Court *Coke's* Comment
" of upon it.

" of Parliament twice every Year at the City of *London*, as " to manifeſt the three-fold End of this great and honourable " Aſſembly of Eſtates. As,

" *Firſt*, That the Subject might be kept from offending; " that is, that Offences might be prevented, both by good " and provident Laws, and by the due Execution thereof.

" *Secondly*, That Men might live ſafely, and in quiet.

" *Thirdly*, That all Men might receive Juſtice by certain " Laws, and holy Judgments; that is, to the end that Ju- " ſtice might be the better adminiſtred, that Queſtions and " Defects in Laws might be by the High Court of Parlia- " ment plained, reduced to Certainty, and adjudged.

" And he further tells us, That this Court being the moſt " ſupream Court of this Realm, it is a part of the Frame of " of the Common Laws; and, in ſome Caſes, doth proceed " legally, according to the ordinary Courſe of the Common " Law; as it appeareth, 39 *E.* 3. f. *Coke Inſt. ch.* 29. *fol.* 5.

To be ſhort, Of this Court it is truly ſaid, *Si Veteſtatem ſpectes, eſt antiquiſſima; ſi Dignitatem, eſt honoratiſſima; ſi Juriſdictionem, eſt capaciſſima.* If you regard Antiquity, it is the moſt ancient; if Dignity, the moſt honourable; if Juriſdiction, the moſt ſovereign.

And where Queſtion hath been made, whether this Court continued during the Heptarchy, let the Records themſelves make anſwer; of which he gives divers Inſtances in the times of King *Ine*, *Offa* and *Ethelbert*. After the Heptarchy, King *Edward*, Son of *Alfred*, King *Ethelſton*, *Edgar*, *Ethelred*, *Edmond* and *Canutus*. All which (he ſaith) and many more, are extant, and publickly known; proving by divers Arguments, that there were Parliaments, unto which the Knights and Burgeſſes were ſummoned, both before, in, and after the Reign of the Conqueror, till *Henry* the Third's Time. And for your further Satisfaction herein, ſee 4 *E.* 3. 25. 49 *E.* 3. 22, 23. 11 *H.* 4. 2. *Littl. lib.* 2. *c.* 10.

Whereby

Whereby we may underſtand,

1. That Parliaments are part of the Frame of the Common Law, [which is laid in the Law and Light of Nature, Right Reaſon, and Scripture.]

2. That, according to this Law of Equity and Righteouſneſs, Parliaments ought frequently to meet, for the common Peace, Safety and Benefit of the People, and Support of the Government.

3. That Parliaments have been all along eſteemed an eſſential part of the Government, as being the moſt ancient, honourable and ſovereign Court in the Nation; who are frequently to ſit, for the making and aboliſhing Laws, redreſſing of Grievances, and ſeeing to the due Adminiſtration of Juſtice.

4. That, as to the Place of Meeting, it was to be at *London*, the Capital City, the Eye and Heart of the Nation; as being not only the Regal Seat, but the principal place of Judicature, and Reſidence of the chief Officers, and Courts of Juſtice, where alſo the Records are kept, as well as the principal place of Commerce and Concourſe in the Nation; and to which the People may have the beſt Recourſe, and where they may find the beſt Accommodation.

5. The Antiquity of Parliaments in this Nation, which have been ſo ancient, that no Record can give any Account of their Beginning, my Lord *Coke* thus tracing them from the *Britains*, through the *Saxons*, *Danes* and *Normans*, to our Days.

So that, Not to ſuffer Parliaments to ſit, to anſwer the great Ends for which they were inſtituted, is expreſly contrary to the Common Law; and ſo conſequently of the Law of God, as well as the Law of Nature; and thereby Violence is offered to the Government it ſelf, and Infringment of the Peoples fundamental Rights and Liberties.

Secondly, *What we find hereof in the Statute-Law.*

The Statute-Laws are Acts of Parliament; ſome whereof are declarative of the Common Law, the reſt are the poſitive Rule, which (as you have heard) is founded upon right Reaſon and Scripture; for we are told, That if any thing is enacted contrary thereto, it is void and null: As *Coke Inſt. lib.* 2. *cap.* 29. *fol.* 15. *Finch, pag.* 3. 28 *H.* 8. *cap.* 27.

The firſt of theſe Statutes, which require the frequent Meeting and Sitting of Parliaments, agreeable to the Common Law, we find to be in the time of *Edward* the Third; *viz.* 4 *E.* 3. & *cap.* 14. in theſe Words:

"Item, *It is accorded, that a Parliament ſhall be holden every Year once, or more often if need be.*

The next is, in the Thirty ſixth Year of the ſame King *Edward* the Third, *cap.* 10. *viz.*

"Item, *For the Maintenance of the ſaid Articles and Sta-*
"*tutes, and redreſſing of divers Miſchiefs and Grievances*
"*which daily happen, a Parliament ſhall be holden every Year,*
"*as at another time was ordained by a Statute, viz.* the aforementioned, in his fourth Year.

And agreeable hereto are thoſe Statutes upon the Rolls, *viz.* 5 *E.* 2. & 1 *R.* 2. N°. 95.

By which Statutes it appeareth, that Parliaments ought annually to meet, to ſupport the Government, and to redreſs the Grievances which may happen in the Interval of Parliaments; that being the great End propoſed in their ſaid Meetings.

Now, For Parliaments to meet annually, and not ſuffered to ſit to anſwer the Ends, but to be prorogued or diſſolved before they have finiſhed their Work, would be nothing but a deluding the Law, and a ſtriking at the Foundation of the Government it ſelf, and rendering Parliaments altogether uſeleſs: For it would be all one to have no Parliaments at all, as to have them turn'd off by the Prince, before they have

have done that they were called and intruſted to do: For, by the ſame Rule whereby they may be ſo turn'd off one Seſſion, they may be three Seſſions, and ſo to threeſcore, to the breaking of the Government, and introducing Arbitrary Power. To prevent ſuch intollerable Miſchiefs and Inconveniences, are ſuch good Laws as theſe made in this King's time, and which were ſo ſacredly obſerved in after times, that it was a Cuſtom, eſpecially in the Reigns of *Henry* the Fourth, *Henry* the Fifth, and *Henry* the Sixth, to have a Proclamation made in *Weſtminſter-Hall*, before the End of every Seſſion, * " *That all thoſe who had any Matter to pre-* " *ſent to the Parliament, ſhould bring it in before ſuch a Day;* " *for otherwiſe, the Parliament at that Day ſhould determine.*

An honeſt and neceſſary Proclamation to be made every Parliament.

Whereby it appears, the People were not to be eluded nor diſappointed by ſurprizing Prorogations and Diſſolutions, to fruſtrate, and make void the great Ends of Parliaments.

And to this purpoſe ſaith a late learned Author, " *That if* " *there was no Statute, or any thing upon Record, extant, con-* " *cerning the Parliaments ſitting to redreſs Grievances, yet* " *that I muſt believe that it is ſo by the fundamental Law of* " *the Government, which muſt be lame and imperfect without* " *it:* [*For otherwiſe, the Prince and his Miniſters may do* " *what they pleaſe, and their Wills may be their Laws.*]

" *Therefore it is provided for in the very Eſſence and Con-* " *ſtitution of the Government it ſelf; and this* (ſaith our Au-" thor) *we may call the Common Law, which is of as much va-* " *lue* (*if not more*) *than any Statute; and of which, all our* " *good Acts of Parliament, and* Magna Charta *it ſelf, is but* " *declaratory. So that though the King is intruſted with the* " *formal part of ſummoning and pronouncing the Diſſolution of* " *Parliaments, which is done by Writ, yet the Laws which ob-* " *lige him* (*as well as us*) *have determined how, and when he* " *ſhall do it; which is enough to ſhew, that the King's Share* " *in the Soveraignty, that is, in the Parliament, is cut out to* " *him by Law, and not left to his diſpoſal.*

25 *Ed.* 3. *cap.* 23. Statute of Proviſors.

The next Statute we ſhall mention, to inforce this fundamental Right and Privilege, is the 25th of *Ed.* 3. *chap.* 23. called *The Statute of Proviſors*; which was made to prevent and cut off the Incroachments of the Biſhops of *Rome*, whoſe Uſurpations in diſpoſing of Benefices occaſioned intollerable Grievances; wherein, in the Preamble of the ſaid Statute, it is expreſſed as followeth.

"*Whereupon the Commons have prayed our ſaid Soveraign* "*Lord the King, that ſith the Right of the Crown of* England, "*and the Law of the ſaid Realm is ſuch, that upon the Miſ-* "*chiefs and Dammage which happeneth to his Realm, he ought,* "*and is bounden, of the Accord of his ſaid People, in his Par-* "*liament, thereof to make Remedy and Law, in avoiding the* "*Miſchiefs and Damage which thereof cometh; that it may* "*pleaſe him thereupon to provide Remedy. Our Soveraign* "*Lord the King ſeeing the Miſchiefs and Damage before-na-* "*med, and having regard to the ſaid Statute, made in the* "*time of his ſaid Grandfather, and to the Cauſes contained in* "*the ſame; which Statute holdeth always its force, and was* "*never defeated or annulled in any Point; and by ſo much is* "*bound by his Oath to do the ſame, to be kept as the Law of* "*this Realm, though that by Sufferance and Negligence it hath* "*ſince been attempted to the contrary: And alſo having re-* "*gard to the grievous Complaints made to him by his People,* "*in divers Parliaments holden heretofore, willing to ordain* "*Remedy for the great Dammages and Miſchiefs which have* "*happened, and daily do happen by the ſaid Cauſe,* &c. *By* "*the Aſſent of all the great Men, and Commonalty of his ſaid* "*Realm, hath ordained and eſtabliſhed,* &c.

In which Preamble of the Statute we may obſerve,

1. The intollerable Grievance and Burthen, which was occaſioned by the illegal Incroachments of the See of *Rome*.

2. The many Complaints the People had made, who, in thoſe dark Times, under Popery, were ſenſible of, groaning under thoſe Burthens.

3. The

3. The Endeavours uſed in vain by former Parliaments, to redreſs the ſame, and to bring their Laws in being, to have their force and effect.

4. The Acknowledgment of the King and Parliament, that the Obligation hereto was upon the King,

1. From the Right of the Crown, which obliged every King to paſs good Laws.

2. The Statute in force.

3. The King's Oath to keep the old, and paſs new Laws, for his People's ſafe-guard, which they ſhould tender to him.

4. From the Senſe of the People, expreſſed in their Complaints. And

5. From the Miſchief and Damage which would otherwiſe enſue.

And therefore, by the Deſire and Accord of his People, he paſſeth this famous Law, the Preamble whereof is here recited.

Another Statute to the ſame purpoſe you find in 2 *Ric.* 2. N°. 28.

" *Alſo the Commons in Parliament pray, that foraſmuch as* " *Petitions and Bills, preſented in Parliament by divers of* " *the Commons, could not heretofore have their reſpective An-* " *ſwers; That therefore both their Petitions and Bills in this* " *preſent Parliament, as alſo others which ſhall be preſented in* " *any future Parliament, may have a good and gracious An-* " *ſwer and Remedy ordained thereupon before the departing* " *of every Parliament: And that to this purpoſe, a due Sta-* " *tute be enſealed* [or enacted] *at this preſent Parliament,* " *to be and and remain in force for all Times to come.*

The

The King's Anſwer.

THE King is pleaſed, that all ſuch Petitions delivered in Parliament, of Things (or Matters) *which cannot otherwiſe be determined, a good and reaſonable Anſwer ſhall be made, and given, before the Departure of Parliament.*

In which excellent Law we may obſerve,

1. A Complaint of former Remiſneſs; their Bills having aforetime been paſs'd by, their Grievances unredreſſed, by unſeaſonable diſſolving of Parliaments before their Laws could paſs.

2. That a Law might paſs in that very Parliament, to rectifie that Abuſe for the future. And

3. That it ſhould not paſs for a temporary Law, but for Perpetuity; being of ſuch abſolute Neceſſity, that before the Parliaments be diſmiſſed, Bills of common Right might paſs.

And the King agreed hereto.

Suitable hereto we have my Lord Chief Juſtice *Coke*, that great Oracle of the Law, in his *Inſt.* 4. *B. p.* 11. aſſerting, " *Petitions being truly preferr'd* (though very many) *have* " *been anſwered by the Law, and Cuſtom of Parliament, before* " *the End of Parliament.*

" This appears (ſaith he) by the ancient Treatiſe, *De Mo-* " *do tenendi Parliamentum*, in theſe Words, faithfully tranſ- " lated; *The Parliament ought not to be ended, while any Pe-* " *tition dependeth undiſcuſſed; or, at the leaſt, to which a* " *determinate Anſwer is not made*, Rot. Par. 17 E. 3. N°. 60. " 25 E. 3. N°. 60. 50 E. 3. N°. 212. 2 R. 2. N°. 134. 2 R. 2. " N°. 38. 1 H. 4. N°. 132. 2 H. 4. N°. 325. 113.

And

" *And that one of the principal Ends of calling Parliaments* " *is, for redreſſing of Grievances that daily happen,* 36 E. 3. cap. 10. 18 E. 3. cap. 14. 50 E. 3. N° 17. Lyon's *Caſe*, Rot. Par. 1 H. 5. N° 17. 13 H. 4. N° 9.

And that, as concerning the departing of Parliaments, *It ought to be in ſuch a manner* (ſaith *Modus tenendi,*) *viz. To be demanded, yea, and publickly proclaimed in the Parliament, and within the Palace of the Parliament, whether there be any that hath delivered a Petition to the Parliament, and hath not received Anſwer thereto: If there be none ſuch, it is to be ſuppoſed that every one is ſatisfied, or elſe anſwered unto at the leaſt, ſo far forth, as by the Law he may be. And which Cuſtom was obſerved in After-Ages, as you have heard before.*

Concerning the Antiquity and Authority of this ancient Treatiſe, called *Modus tenendi Parliamentum* (ſaith my Lord *Coke*) whereof we make often uſe in our *Inſtitutes*, certain it is, *that this* Modus *was rehearſed and declared before the Conqueror, at the time of his Conqueſt, and by him approved for* England: *And accordingly, he, according to* Modus, *held a Parliament for* England; *as appears by* 21 E. 3. fol. 60.

Whereby you clearly perceive, that theſe wholſome Laws are not only in full Agreement with the Common Law, and declarative thereof; but in full accord with the Oath and Office of the Prince, who hath that great Truſt by the Law lodged with him for the Good and Benefit, not Hurt and Miſchief of the People, *viz.*

Firſt, Theſe Laws are very ſuitable to the Office and Duty of a Ruler, and the End for which he was inſtituted by God himſelf, who commands him to do Judgment and Juſtice to all, eſpecially to the Oppreſſed; and not to deny them any Requeſt for their Relief, Protection, or Welfare, 2 *Sam.* 22. 3. 1 *Chron.* 13. 1, to 5. 2 *Chron.* 9. 18, 19, 5, *&c. Eſt.* 1. 13. our Law-books injoining the ſame; as *Bracton, lib.*

lib. 1. *cap.* 2. *Lib.* 3. *cap.* 9. *fol.* 107. *&c. Forteſcue, cap.* 9. *fol.* 15. *cap.* 7. *fol.* 5. 11. *Coke* 7. Book of Reports. *Calvin's* Caſe, *fol.* 11.

Secondly, They are alſo in full Harmony with the King's Coronation-Oath, ſolemnly made to all his Subjects, *viz. To grant, fulfil and defend all rightful Laws which the Commons of the Realm ſhall chuſe, and to ſtrengthen and maintain them after his Power.*

Thirdly, Theſe Laws are alſo in full Agreement and Oneneſs with *Magna Charta* it ſelf, that ancient fundamental Law, which hath been confirmed by at leaſt forty Parliaments, *viz. We ſhall deny, we ſhall defer to no Man Juſtice and Right*; much leſs to the whole Parliament and Kingdom, in denying, or deferring to paſs ſuch neceſſary Bills which the Peoples Needs call for.

Object. But to all this which hath been ſaid, it may be objected, That ſeveral of our Princes have otherwiſe practiſed, by diſſolving or (as laterly uſed, by) proroguing Parliaments at their pleaſures, before Grievances were redreſſed, and publick Bills of common Safety paſſed; and that as a Privilege belonging to the Royal Prerogative.

Anſw. *To which it is anſwered, That granting they have ſo done; Firſt, it is moſt manifeſt, that doth not therefore create a Right to them ſo to do, according to that known Maxim,* A facto ad jus non valet Conſequentia; *eſpecially, when ſuch Actions are againſt ſo many expreſs and poſitive Laws, ſuch Principles of Common Right and Juſtice, and ſo many particular Ties and Obligations upon themſelves to the contrary.*

Secondly, But if it had been ſo, yet neither can Prerogative be pleaded, to juſtifie ſuch Practices, becauſe the King hath no Prerogative, but what the Law gives him; and it can give none to deſtroy it ſelf, and thoſe it protects; but the

the contrary. *Bracton*, in his Comments, *pag.* 487. tells us, *That although the Common Law doth allow many Prerogatives to the King, yet it doth not allow any, that he ſhall wrong or hurt any by his Prerogative.* Bracton, p. 487.

Therefore it is well ſaid by a late worthy Author upon this Point, *That what Power or Prerogative the Kings have in them, ought to be uſed according to the true and genuine Intent of the Government; that is, for the Preſervation and Intereſt of the People: And not for the diſappointing the Counſels of a Parliament, towards reforming Greivances, and making proviſion for the future Execution of the Laws. And whenever it is applied to fruſtrate thoſe Ends, it is a Violation of Right, and an Infringment of the King's Coronation-Oath, who is obliged to paſs or confirm thoſe Laws his People ſhall chuſe.* And though he had ſuch a Prerogative by Law, yet it ſhould not be ſo uſed, eſpecially in time of imminent Danger and Diſtreſs.

King *Charles* the Firſt, in his Advice to His Late Majeſty, in his Εικὼν Βασιλικὴ, *p.* 239. tells him, *That his Prerogative is beſt ſhewed, and exerciſed, in remitting, rather than exacting the Rigour of the Laws; there being nothing worſe than legal Tyranny.* K. Ch. I. his Advice to His late Majeſty.

Nor would he have him entertain any Averſion, or Diſlike of Parliaments; which in their right Conſtitution, with Freedom and Honour, will never injure or diminiſh his Greatneſs; but will rather be as Interchangings of Love, Loyalty and Confidence between a Prince and his People.

It is true, ſome Flatterers and Traytors have preſumed. in defiance to their Countries Rights, to aſſert, that ſuch a boundleſs Prerogative belongs to Kings: As did Chief Juſtice *Triſilian*, &c. in *Richard* the Second's time; adviſing him, *That he might diſſolve Parliaments at pleaſure*; and, *That no Member ſhould be called to Parliament, nor any Act paſſed in either Houſe, without his Approbation in the firſt place*; and, *That whoever adviſed otherwiſe were Traytors.* But this Advice,

you read, was no leſs fatal to himſelf, than pernicious to his Prince, *Baker's Chron. p.* 147, 148, and 159.

King *James* the Firſt, in his Speech to the Parliament, *Anno* 1609. gives them Aſſurance, *That he never meant to govern by any Law, but the Law of the Land; though it be diſputed among them, as if he had an Intention to alter the Law, and govern by the Abſolute Power of a King.* But to put them out of doubt in that matter, he tells them, *That all Kings, who are not Tyrants, or perjured, will bound themſelves within the Limits of their Laws: And they that perſwade the contrary, are Vipers and Peſts, both againſt them, and the Commonwealth,* Wilſon. *K. J.* p. 46.

The Concluſion.

1. IF this be ſo, that by ſo great Authority (*viz.* ſo many Statutes in force, the Fundamentals of the Common Law, the Eſſentials of the Government it ſelf, *Magna Charta*, the King's Coronation-Oath, ſo many Laws of God and Man;) the Parliament ought to ſit, to redreſs Grievances, and provide for common Safety, eſpecially in Times of common Danger. (And that this is eminently ſo, who can doubt, that will believe his own Senſe, and the Experience of the manifold Miſchiefs which have been acted, and the apparent Ruin and Confuſion that impends the Nation, by the reſtleſs Attempts of a bloody Intereſt, if ſpeedy Remedy is not applied?) Then let it be query'd, whether, the People having had thus the Knife at the Throat, Cities and Habitations fired, and therein their Perſons fried, Invaſions and Inſurrections threatned to deſtroy our Government and fundamental Laws and Properties; nay, our Religion it ſelf; they are not therefore juſtified in their important Cries, in their many humble Petitions to their King, ſervent Addreſſes,

dreſſes, earneſt Claims for this their Birth-right here pleaded, which the Laws of the Kingdom, conſonant to the Laws of God and Nature, has given them?

2. If ſo, What then ſhall be ſaid to thoſe who have adviſed to this high Violation of their Countries Rights, to the infringing ſo many juſt Laws, and expoſing the Publick to thoſe deſperate Hazards, if not a total Ruin and Subverſion of theſe Nations?

If King *Alfred* (as *Andrew Horne*, in his *Mirror of Juſtice*, tells us) hanged *Darling*, *Segnor*, *Cadwine*, *Cole*, and forty Judges more, for judging contrary to Law; and yet all thoſe falſe Judgments were but in particular and private Caſes; What Death do thoſe Men deſerve, who offer this Violence to the Law it ſelf, and all the ſacred Rights of their Country?

If the Lord Chief Juſtice *Thorpe*, in *Edward* the Third's time, for receiving the Bribery of one hundred Pounds, was adjudged to be hanged, as one that had made the King break his Oath to the People; How much more guilty are they of making the King break his Coronation-Oath, that perſwade him to act againſt all the Laws for holding Parliaments, and paſſing Laws therein, which he is ſo ſolemnly ſworn to do?

And if the Lord Chief Juſtice *Treſilian* was hanged, drawn and quarter'd, for adviſing the King to act contrary to ſome Statutes only; What do thoſe deſerve, that adviſe the King to act, not only againſt ſome, but againſt all theſe ancient Laws and Statutes of the Realm?

And if *Blake*, the King's Council, but for aſſiſting in the Matter, and drawing up Indictments by the King's Command, contrary to Law, though it is likely he might plead the King's Order for it; yet, if he was hang'd, drawn and quarter'd for that, what Juſtice is due to them that aſſiſt in the total Deſtruction of all the Laws of the Nation, and, as much as in them lies, their King and Country too?

And if *Usk*, the Under-Sheriff, (whose Office it is to execute the Laws) for but endeavouring to aid *Tresillian*, *Blake*, and their Accomplices, against some of the Laws, was also, with five more, hang'd, drawn and quarter'd; what Punishment may they deserve, that aid and endeavour the Subversion of all the Laws of the Kingdom?

And if *Empson* and *Dudley*, in *Henry* the Eighth's time, though two of the King's Privy Council, were hang'd for procuring and executing an Act of Parliament, contrary to the fundamental Laws of the Kingdom, and to the great Vexation of the People; so that, though they had an Act of Parliament on their side, yet that Act being against the known Laws of the Land, were hang'd as Traytors, for putting that Statute in Execution; then what shall become of those who have no such Act to shelter themselves under; and who shall act, not only contrary to, but to the Destruction of the fundamental Laws of the Kingdom?

And how harmonious such Justice will be, the Text tells us, *Deut.* 27. 17. *Cursed be he that removeth his Neighbour's Land-Mark: And all the People shall say*, Amen.

That this next Parliament may have an happy Entrance and Issue, to answer the great Ends of Parliaments, and therein our present Exigences and Necessities, is the incessant Cry, and longing Expectation of all the Protestants in the Land.

The

The Directions now follow.

AFter ſuch a Criſis of Time as this, wherein both our Civil Liberties and Religion have been at ſtake, and and muſt always certainly ſtand or fall together, I thought I could not do a greater Service to the Publick, than to offer ſome Remedies, which might prevent the fatal Conſequences of undue Elections, and Returns; eſpecially, ſince the great Deſign of the Adverſaries of our Religion, upon which they lay their whole Streſs, and have uſed their utmoſt Efforts, for theſe two or three Years laſt paſt, appears to be, the framing of ſuch a Parliament, as might make way for the Change of our Religion: To compaſs which, they have uſed ſuch unheard of Methods, and practiſed ſuch open Violations upon the Rights and Freedoms of Parliaments, and Elections, as no Age can parallel, without any Colour of Law, or Precedent.

For the Demonſtration of which, it ſhall ſuffice to give theſe few Inſtances.

Not to inſiſt upon the *Quo Warranto's* brought, and Judgments given thereupon, againſt the Charter of *London*, and other places, at the latter end of the late King's Time; with the Methods taken to procure Surrenders from Cities and Corporations; with the exorbitant Fines, impoſed upon the Rioters of *London*, at the Election, and the framing of Courts, Juries and Sheriffs to this purpoſe: Which yet had been done in the Forms, and under the Countenance of Law; and

and therefore are only fit for the Conſideration of a Parliament; together with that Proviſo introduced into all the New Charters, wholly inconſiſtent with the nature of a Corporation, wherein every Man hath a Free-hold, and the Corporation it ſelf a Perpetuity of an Inheritance; and which manifeſtly ſubverts all the Right and Freedom of Elections, not only of the Members of the Corporation, but of their Repreſentatives in Parliament, and have not yet the Countenance of one Precedent or Judgment of any Court; and therefore it is hoped, will be declared illegal, and void, by the next ſuccceeding Parliament.

All which Matters have been ſtrangely improved and extended by the Miniſters, in the Reign of His Preſent Majeſty, as might be eaſily demonſtrated; but I ſhall only fix upon ſuch as have been lately practiſed, which come within the former Rule, *Of being without the Colour of Law, or Precedent.*

Firſt, Firſt, and before all, That Method of Teſting all the Officers in the Kingdom, from the higheſt, to the loweſt, with theſe three Queſtions; and turning out all ſuch as refuſed to comply.

1. *Whether, if they were choſen to be Members of Parliament, they would give their Voice to repeal the Penal Laws and Teſt?* Directly oppoſite to the Right and Freedom of Parliaments, and the Duty of the Members thereof.

2. *Whether they would give their Voices to elect ſuch as would repeal the Penal Laws and Teſt?* In Subverſion of the Right of Election, and Freedom of Members.

3. *Whether they would ſtand by the King's Declaration?* Wherein the King aſſumes to himſelf, to ſuſpend all theſe Laws, without Limitation of Time or Perſons.

Secondly,

Secondly, The under-hand impoſing upon the Clergy, to addreſs for, and then publickly, by Order, to read the Declaration; and the Proceeding againſt the Biſhops, for not concurring therein; and againſt the Body of the Clergy, that refuſed to comply therewith.

Thirdly, The Teſting the Corporations, by Addreſſes, or otherwiſe, to promiſe to elect ſuch Members as ſhould be for Taking off the Penal Laws and Teſt, when the King ſhould pleaſe to call a Parliament; and the Turning out all ſuch, from time to time, as refuſed.

Fourthly, The Impoſing Charters upon ſeveral Burroughs in *Cornwal* and *Devon*, and elſewhere, before the Election of the laſt Parliament, without Petition; and taking away the Right of Election from the Generality, and reſtraining it to a few; which hath alſo been endeavoured upon other Burroughs ſince.

Fifthly, Procuring an Order to be enter'd in moſt of the Cinque-Ports, that the King ſhould have the Nomination of one Member.

Sixthly, Appointing a Committee, or Commiſſion, conſiſting, for the moſt part, of *Roman Catholicks*, both Lords and others, publickly to meet twice or three times a Week, to conſult about the Method of framing a Parliament to theſe Ends, and give out Orders for the ſame; and eſpecially, for the regulating of Corporations, as it is called; and employing Commiſſioners into all Counties, under them.

Seventhly, The nominating many Lords Lieutenants, Sheriffs, Mayors and Bayliffs, profeſs'd *Roman Catholicks*; and the Generality of the reſt, ſuch as, by reaſon of their Dependance upon the Court, Indigence of their Fortunes, or Obnoxiouſneſs

noxiouſneſs to the Laws, have, contrary to their Duties, given an Aſſurance to promote ſuch Elections.

I have mentioned theſe, only to ſhew the great Neceſſity incumbent upon every good *Engliſh Man*, and *Proteſtant*, however differing in Opinion as to ſome Religious Matters, to uſe their utmoſt Endeavours, upon the approaching Election, to oppoſe and prevent all further illegal Practices, either in the Election, or Return: And the better to enable them, I ſhall propoſe this following Method, as I conceive, undoubtedly warranted by Law.

I. That ſince, by the Statute of *Weſtminſter*, 1 *Car.* 5. it is declared, that all Elections ought to be free; and the King forbids, under grievous Forfeitures, that no Great Men, nor other, by power of Arms, or by Malice, or Threatnings, ſhould diſturb to make free Elections: And by the Statute of 7 *H.* 4. 15. it is declared, that Elections ought to be freely, and indifferently made, without Requeſt, or Commandment, no Peer hath to do in the Election of the Commons, being no Suitor, or ſummonable to the County-Court, nor contributary to the Ways for his Land; that therefore no City, Burrough, or Corporation, or the Members thereof, or Electors for the County, do admit of any Recommendation, Requeſt, or Commandment from the King, or any Peer in Office, (who ought not, by the Law, to intermeddle in any of theſe Elections,) or make any Promiſe to any of them, for the Choice of any Man, before ſuch Election; nor admit of the Preſence of any Lord-Lieutenant, or of any Military Officer, or Soldier, not having Right to give a Voice to the ſaid Election; but to inſiſt upon it, that they withdraw.

II. That, after the Writ or Precept read, they cauſe to be read the Statutes of 7 *H.* 4. 15. and 23 *H.* 6. 15. wherein the Manner is preſcribed for the Elections, both in Counties, Cities and Burroughs; and that they both purſue, and require of

of the Sheriff, and chief Officers, the Obſervation thereof, and not to permit or ſuffer any Deviation from the ſame.

III. That they do principally obſerve two things in the ſaid Statutes: Firſt, That as well the Return as the Election of the Knights, is to be made at the next County-Court after the receipt of the Writ, and the Sheriff not to Depart, or Diſſolve the Court till ſuch time as the Return be made. Secondly, That both the Election and Return is to be made by Indenture, which is to be Sealed by every one of the Electors, and the Duplicate by the Sheriff, and the ſuch Indenture ſhall be annexed to the Writ; and the ſuch Indenture is the Return of the Sheriff: So that the Return is in the Power of the Electors, and not of the Sheriff; the omiſſion of which Sealing the Indenture, at the time of giving in their Votes, by every Elector, which is the ſtanding Poll of the Election, by *Law*, and no other Poll required, hath given the opportunity to the Sheriff of practiſing all the Partiality imaginable at Polls, and by Adjourning of the Court to remote Places and Inns, after the Election, which he cannot do without the Conſent of the Freeholders, by *Law*, unleſs in caſe of neceſſity, for want of Proviſions, or Sickneſs broke out in the place ſince the laſt Court, or the like, as alſo of the falſe and double Returns made by them. The Method therefore to be taken is this, not wholly refuſing the Poll, becauſe it hath been long practiſed, and gives the Sheriff opportunity of examining as to 40 s. *per annum*, to prepare an Indenture, one part whereof to have ſeveral Skins of Parchment, to which (in caſe of Conteſt) either before or after the giving their Votes, every Elector ſhould ſet his Name or Mark and Seal, ſuch Sealing to be in the preſence of ſome intruſted therewith, who may teſtifie the ſame; and ſuch Seals to be dropt with hard Wax upon the Parchment, in rowes, with room to write the Names; which, at the end of the Election, with a Duplicate is to be preſented to the Sheriff, and he required to annex the

See alſo the Clauſe in the Writ, added by the Statute of 23 *H.* 6. 15.

ſame to his Writ; and if he refuſe ſo to do the ſame, they may juſtifie the detaining him there till he comply; nor can he Adjourn or diſſolve the Court till he hath performed the ſame, and ſealed a Duplicate thereof, there being no occaſion for ſuch an Adjournment; nor is he Judge of any Exception, but only hath Power to Examine upon Oath, as to the 40 s. *per annum.*

IV. As to Cities, Burroughs, and Towns Corporate, the like Method is to be obſerved in their Elections and Returns; and though it be not particularly expreſſed in the ſaid Statutes, as to the manner of their Election and Return, as in the Caſe of the Knights of the Shire, yet the conſtant Practice of making Return by Indenture, either under the common Seal of the Corporation, or Hands and Seals of the Electors, where no common Seal is, and annexing it to the Precept, and proceeding in the ſame manner by Votes and Poll, in caſe of a Conteſt, ſhews that this was the common *Law* and Cuſtom of *England*, before the making of the ſaid Statutes, and only re-inforced under Penalties by ſuch Statutes; and therefore the putting the Seal to this, and Annexing it to the Precept, and Indorſing by the Mayor, or other chief Officer, upon the back of the Precept, that the Return of this Precept, is in an Indenture thereto annexed, is the Duty of the Mayor, and what he may be compelled to do after the Election, before he Adjourn or Diſſolve the Court; and by a Clauſe in the Statute 23 *H.* 6. 15. it is declared, The Citizens and Burgeſſes as have always been Choſen by Citizens and Burgeſſes, and no other, and returned to the Sheriff, and upon their Returns accepted and received by *Parliament.*

V. In caſe the Sheriff ſhall refuſe to annex ſuch Return and Precept to the Writ, for which end the Corporation ought to ſend ſome of their Number with the Mayor or chief Officer;

Officer; they may do well to detain the Return, and not deliver it till the Parliament ſits; and in caſe of any doubt of the Practice of the Sheriff and Mayor, after the Return made in manner aforeſaid, they may keep the Return, and carry it in to the Sheriff, ſuch Indenture ſo annexed, being as well the Return of the Mayor, as in the County of the Sheriff.

VI. Whereas many Foreigners have been made Members of Corporations, which do not Live, nor Inhabit in the ſaid Corporations, 'tis humbly conceived, that no Votes in Election can belong to them; for that it appears not only by the Statute 1 *H.* 5. 1. and other Statutes that require the Electors to be Citizens and Burgeſſes of the ſaid Cities and Burroughs, that are reſiant on the Place, which though it be Diſpenſed with as to the Perſons Elected, being only a prohibitory Clauſe, and not diſabling the Perſon to be Elected, or making the Election void, and that thoſe Acts were made upon Petition of the Gentlemen, not to be compelled to ſerve for Corporations, and ſo was granted to them as a Privilege, if they would take advantage of it, but *Volenti non fit injuria*, yet was it never Diſpenſed with, as to the Electors in Counties, nor ought it to be ſo in Corporations or Burroughs; and that this is the Common Law of the Realm, appears by the Clauſe in the Statute 23 *H.* 6. 15. which after the recital of the Statute 1 *Hen.* 5. 1. declares, That the Citizens and Burgeſſes have always been Choſen by Citizens and Burgeſſes, and no other; and alſo, that even thoſe that have been real Citizens or Freemen, or Inhabitants of Corporations, as having been Apprentices there, yet when they live out of the ſaid Towns, cannot enjoy the Privileges that are granted to the ſaid Corporations, as in the famous Judgment in Prizage, as to the Citizens of *London*: which ſhews that the Privileges are Local and not Perſonal; and though they have been ſometimes admitted to give Votes, yet it is conceived, this is againſt Law, and cannot be defended.

VII. Where Sheriffs, Mayors, and other chief Officers have not taken the Teſt, and will not comply with the Law, to make due Elections and Returns, it is conceived, that they may be juſtly excepted againſt, and the Elections and Returns made without them; and that where any Burrough hath a Corporation lately put upon them, neither the Election nor Return is altered thereby, but ſhall belong to the Inhabitants and Bailiff of the Burrough as formerly, and not to the Mayor or Bailiff by Charter.

THE

THE BILL

For Regulating Abuſes in

ELECTIONS OF MEMBERS

To Serve in

PARLIAMENT,

As it was read a Second Time, and Committed, by the HOUSE of COMMONS, upon *Saturday* the 5th of *April*, 1679.

And now offered as Advice to the Conſideration of the whole Kingdom.

FOR the remedying the many and great diſorders, miſcarriages, inconveniences, diſputes, and conteſts, ariſing about the Elections and Returns of Knights, Citizens, and Burgeſſes to ſit in Parliament, Be it Enacted by the Kings moſt Excellent Majeſty, Lords Spiritual and Temporal

ral, and Commons aſſembled, That for the time to come every perſon that at the time of any Election of Knights of any Shire or County at large, is, and by the ſpace of one year next before ſuch Election, hath been a Houſeholder and Inhabitant in the ſame County, and within the ſame by all that time hath been (without fraud or deſign thereby to enable himſelf to give Voice) charged, rated, taxed to, and have payed and born his Scot and Lot towards the maintenance and defraying the Poor, and other publick Charges and Payments, and who is not under one and twenty years of age; and is worth two hundred pounds in Fee, clear Eſtate of his own, over and beſides his Debts, Charges, and Engagements by him owing and payable, or engaged in; and none other ſhall have Vote, Voice, and be Elector of Knights of the County or Shire wherein he ſo inhabits or dwells. That in every Inn-Shire City or Town that is both City and County, and in every other City, Town, Burrough, or place, that now do, or hereafter ſhall ſend Members to the Parliament (except the Cities of *London*, *York*, *Norwich*, *Exeter*, and *Briſtol*) every perſon at the time of ſuch Election of Members for to ſit in Parliament for any ſuch place, that at the time of ſuch reſpective Election, and by the like ſpace of one year before, hath been a Houſeholder and Inhabitant within ſuch reſpective City, Town, Burrough, or place (except before excepted) and by all that time hath been there charged, rated, taxed, and paid Scot and Lot, without fraud, as aforeſaid; and not under one and twenty years of Age: And none others ſhall have Vote and Voice, and be Elector in ſuch reſpective City, Burrough, Town, or place, any Law, Charter, or *non obſtante* in any Charter to the contrary notwithſtanding. And that the reſpective Sheriffs, and other Officers, to whoſe care and management the Elections are committed, have hereby power and authority to adminiſter unto, and to examine upon oath, the parties themſelves concerning the Qualifi-

Qualifications and Matters aforeſaid, That for the future no perſon by himſelf, or others, by or with his conſent and approbation, ſhall by feaſting, treating, entertaining with meat, drink, or otherwiſe; or by bribes, preſents, rewards, or gifts, given, ſpent, promiſed, or engaged to, upon or amongſt the Electors, or to or for their uſe or benefit, or to or for the only benefit or advantage of any County, City, Town, or place, ſending members to Parliament, or the Inhabitants thereof, or under any pretended Charity for the Poor of any ſuch Town or place, directly, or indirectly, labour or endeavour to obtain or procure Elections of any perſon, or perſons, to be Members or Repreſentatives to ſit in Parliament, under the pains and penalties enſuing (to wit) that every ſuch perſon ſo labouring, or indeavouring by any ſuch undue and illegal ways and means, ſhall be hereby diſabled and uncapable of being or ſitting as a Member of that Parliament, and alſo ſhall forfeit the ſum of five hundred pounds: And that the City, Town, or place, where any ſuch feaſting, treating, or entertaining ſhall be manifeſtly and notoriouſly admitted or ſuffered, ſhall from that time forfeit their Priviledge of ſending Members to Parliament: And in lieu thereof, an Election to be made of Members in their ſtead in ſome other Town, or place, within the ſame County, or elſe in the County at large, as the Houſe of Commons in the next enſuing Parliament, that ſhall have or take notice of ſuch forfeiture, ſhall appoint and direct: And it is hereby further Enacted, that all and every Juſtice of the Peace, Mayor, Bayliffs and Conſtables, having Juriſdiction or Authority in any ſuch Town, or place, for the ſuppreſſing and preventing the miſdemeanours and evil practiſes aforeſaid, are hereby commanded and required not to permit any ſuch feaſtings, treatings, or entertainments, for or in order to the end aforeſaid, but upon Oath and Examination (which they are hereby impowered to adminiſter) or upon their own view, to arreſt and apprehend all ſuch miſdoers, and them to Commit to Goal, there to remain, till they give good and ſufficient

ſecurity

ſecurity not to offend in that kind for the future, and appear at the next Aſſizes, or general Seſſions of the Peace for the County, or place, where the offence ſhall be committed, there to be proceeded againſt, and puniſhed for his ſaid offence according to Law: And that if any of the Officers or Miniſters aforeſaid, having information upon Oath, or other ſufficient evidence of the fact, ſhall refuſe or neglect to do his duty herein, he ſhall forfeit the ſum of one hundred pounds for every ſuch neglect or refuſal: And that if any Mayor, Recorder, Alderman, Town-Clark, Burgeſs, Port-reeve, Bayliff, Magiſtrate, or Officer, ſhall permit or ſuffer himſelf to be feaſted, treated, or entertained, or ſhall directly or indirectly accept, take, or receive, any bribe, gift, preſent, or reward, to the intent and end aforeſaid, he is hereby diſabled to give any Vote, or to be Elector; and moreover ſhall for every ſuch offence forfeit the ſum of one hundred pounds. And it is hereby likewiſe Enacted, that no Writ or Suit ſhall be hereafter ſued, proſecuted, or proceeded for wages, or any ſum or ſums of money due or demandable for wages, by any Knights, Citizens, or Burgeſſes, for or in reſpect of their ſervices in Parliament; but all ſuch wages are, and from henceforth ſtand releaſed and diſcharged, and for the avoiding of the abuſes and undue means too often uſed by Sheriffs, Underſheriffs, Mayors, Bayliffs, and Officers, about ſuch Election and Returns, and that there may be juſt, fair, and legal Elections and Returns hereafter made; Be it further Enacted by the Authority aforeſaid, That no Sheriff, Port-reeve, Bayliff, Magiſtrate, or Officer, (except onely when need requires, from the evening to the morning of the next day ſucceeding, till Election be determined, or to ſome convenient place within two miles of the Town, or place, appointed, or ſet, for ſuch Election) ſhall adjourn the ſaid Election from that day or place appointed or ſet for the ſame, but ſhall fairly and indifferently proceed to finiſh the Election as ſoon as conveniently he can at the time and place appointed,

ed, without any other adjournment there, as aforeſaid: And if any Adjournment *de facto* be made contrary to this Act, the proceeding afterward ſhall be void, and the perſon that had the majority of Voices at the time of ſuch unlawful Adjournment, ſhall be the perſon duely Elected, and ſhall be returned ſo to be: And if any perſon ſhall hereafter be, for conſideration of money, bribes, preſents, gifts, or rewards, directly or indirectly, given or promiſed, or ingaged to be given, or for fear or favour, by any Sheriff, Mayor, Bayliff, Port-reeve, or Officer, wrongfully and unduly Returned to be the perſons Elected, which in truth and reality was not; Or if any Sheriff, Underſheriff, their Clarks, or Miniſters, or any Mayor, Recorder, Town-Clark, Port-reeve, Bayliffs, or other Officer, or Magiſtrate intruſted with the ordering or making ſuch Election, or Returns, ſhall not fairly, juſtly, honeſtly, and impartially, according to the beſt of his skill and diligence, act and do his duty in the premiſes; in every ſuch caſe the party offending ſhall forfeit, if a Sheriff, the ſum of five hundred pound; if a Mayor, or other Officer, or Miniſter, two hundred pound, and treble damages to the party grieved; and that all ſecurities, promiſes, and engagements made or given to any Officer, for the indemnifying or ſaving harmleſs concerning the premiſes, ſhall be abſolutely, void, and of no effect; and every party giving or making ſuch ſecurities, promiſes, or ingagements, to forfeit five hundred pound for his offence in ſo doing: And further, for the avoiding all exactions, extortions, and briberies, under the pretence of gratuities, preſents, or recompence, for diſpatch, or towards charges, or otherwiſe, by any Sheriff, Underſheriff, Sheriff's-Clark, or Miniſter, or by any Mayor, Port-reeve, Bayliff, or other Officer, or Miniſter, hereafter to be taken: Be it Enacted, That none of the ſaid Officers, or Miniſters, ſhall directly, or indirectly take, have, or receive, or agree, or contract to have or receive, for any warrant, or preſent, upon or by Virtue of any Writ for Election for Parliament, or for any return of any Writ, Mandate or Precept, above the

ſum of two ſhillings ſix pence, under the pain of forfeiting ten times as much as he ſhall in ſuch caſe take over and beſides the ſum of two ſhillings ſix pence, together with coſts in every ſuch ſuit to be recovered: All and every the penalties and forfeitures aforeſaid (except the ſaid forfeitures of treble damages) to be recovered by him, or them that ſhall, and will ſue for the ſame, in any Court of Record, within the ſpace of one year next enſuing ſuch cauſe of action accrued; in which ſuit there ſhall be no allowance of, or admiſſion of any privilege of Parliament, or other privileges, or of any Protection, or Injunction; nor of any Plea of another action, or information for the ſame offence depending (except Oaths be made in the Court, where ſuch Plea ſhall be pleaded by both the Defendant and Plaintiff, and real Proſecutor therein, that the ſame is really and *bona fide*, brought for recovery of the forfeiture herein, without any fraud or deſign to excuſe or defend the offender from the forfeiture by the Statute impoſed) which the Court where ſuch Pleas ſhall be pleaded, are hereby enabled to examine, and according to the truth and reality thereof, to allow the ſaid Plea, or not; And for the better obſervation of this Act, all Sheriffs of Counties at large, ſhall in the place where the Election is to be made, immediately before they proceed to take the Votes of the Electors, cauſe this Statute to be audibly read in the preſence of the Electors; And that all Sheriffs of Inn-Shires, or Cities, or Towns that are Counties of themſelves, Mayors, Port-reeves, Bayliffs, and other Officers, and Miniſters reſpectively, ſhall immediately after the receipt of any Writ, or Precept, for ſuch Election, or certain knowledge of a Parliament to be choſen, ſet up this Act in their reſpective Halls, or other publick places, to be read and viewed; and alſo on the next Lords day after ſuch certain notice of ſuch Parliament to be choſen, or after receipt of ſuch Writ, Precept, or Mandate for ſuch Election, and before the time of the Election, cauſe and procure this Statute to be publickly and audibly read in the Churches of their Counties, Cities, Towns,

Towns, or Burroughs, where ſuch reſpective Elections are to be, immediately after Divine Service ended, and before the people aſſembled are departed? And further, for the prevention of the long continuance of any Parliament for the future, and thereby depriving the King and Kingdom of the benefits of ſucceſſive Parliaments, It is hereby Enacted, That no Parliament ſhall hereafter have Continuance in any manner, by Prorogation, or Adjournment, or Seſſion, or partly by one and partly by the other, or otherwiſe howſoever, for above the ſpace of two years from the day of the return of the Writ of Summons next enſuing, but at the end of the ſaid two years ſhall be *ipſo facto* diſſolved: And that in every Indenture hereafter to be made or ſealed by any Electors, there be a Clauſe therein inſerted, That the perſon or perſons are hereby authorized to ſerve in Parliament for the ſpace of two years, from the day of the return of ſuch Writ of Summons next enſuing, if the ſaid Parliament ſhall ſo long continue, and no longer.

FINIS.